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U.S. DISTRICT COURT  
MID. DIST. TENN.

DANNY RAY MEEKS, et al.,  
Plaintiff,  
vs.  
TENNESSEE DEPARTMENT OF  
CORRECTION, et al.,  
Defendants.

No. 1:07-cv-0013  
JUDGE HAYNES  
JURY DEMAND

ORDER  
This motion is  
deemed a motion to  
reconsider and  
is DENIED.

MOTION FOR A NEW TRIAL  
PURSUANT TO FED.R.CIV.P., 59(a)(2)

COMES NOW THE PLAINTIFF, Danny Ray Meeks, pro se, as an indigent, incarcerated litigant and pursuant to Fed. Rules of Civil Proc., 59(a)(2), moves this District Court for a new trial or for an Amendment to the Judgment by the taking of additional testimony, amend the findings of fact and conclusions of law or make new ones, and direct the entry of a new judgment.

In support of this Motion the Plaintiff relies upon the following facts contained in the Court records:

Plaintiff contends that the Court has, without notice to the Plaintiff, abandoned the previous acceptance of the Report and Recommendation of Magistrate Judge, John S. Bryant. D.E.#220. It is obvious, per the ORDER D.E.# 386 and Memorandum, D.E.# 385, that Plaintiff has not received, "the factual contentions viewed in the light most favorable to the party opposing the motion for summary judgment. Duchon v. Cajon Co., 791 F.2d 43, 46 (6th Cir. 1986). Here the Plaintiff has presented the Court with the Affidavit of Tenn. Prison Inmate, Michael A. Kelley, #465781, dated December 30, 2011.